

REMARKS

Claims 41-47 and 52-54 are currently pending. The Examiner has provided several rejections that are rebutted in the following order:

- I. Claims 41-43, 46, 47 and 52-54 are rejected under 35 U.S.C. § 112 ¶ 1 as allegedly failing to comply with the enablement requirement.
- II. Claim 53 is rejected under 35 U.S.C. § 112 ¶ 2 as allegedly being indefinite.
- III. The Specification is objected to for failing to provide a description of Figure 5B.

REMARKS

I. The Claims Are Enabled

The Examiner has provided an argument having an alleged conclusion that:

... it would require undue experimentation for one skilled in the art to use the claimed methods.

Office Action., pg. 5. The Examiner has predicated this conclusion on a review of the Applicants' Table 5 (Applicants' Specification, pg. 98):

The viruses tested were influenza A and B, Adenovirus, RSV and Parainfluenza 1, 2 and 3 ... all of the protease inhibitors reduced influenza, RSV and Parainfluenza 3 viral infectivity, while inhibitor E64 reduced viral infectivity of all viruses tested except for Adenovirus and inhibitor Actinonin reduced viral infectivity of all viruses tested.

Office Action, pg. 4, and

... the examples show that such an inhibitor does reduce viral replication and the art also shows that using such an inhibitor also reduces viral production.

Office Action, pg. 5. The Applicants disagree. The Examiner is asked to take note of all the language under Table 5, specifically:

This is in contrast to the inventors' data demonstrating inhibition in replication of human coronavirus 229E by the protease inhibitor E64.

Applicants' Specification, pg 98 ln 11-12. Nonetheless, without acquiescing to the Examiner's argument but to further the prosecution, and hereby expressly reserving the right to prosecute the original (or similar) claims, Applicants have amended Claim 41 to recite: i) the non-plus RNA viruses as originally presented in Claim 42, herein concomitantly canceled¹; and ii) 'the non-plus strand virus replication is not inhibited relative to a coronavirus replication in the presence of an antiprotease, wherein the coronavirus replication is at least 25% lower than the non-plus strand virus replication'. Consequently, Claim 46 is concomitantly canceled. The Applicants point to the following support in the specification:

In an exemplary 16 hour bio-assay, the protease inhibitor E64d inhibited the replication of human coronavirus 229E by 100% at concentrations of 32 µg/ml to 2 µg/ml. 90% inhibition was obtained with E64D concentrations of 1 µg/ml and 0.5 µg/ml.

Applicants' Specification, pg. 102, ln 20-22. Such a comparison is also supported within the Applicants' definition of "reduced":

... the terms "reduce," ... in reference to the level of any molecule ... in a first sample relative to a second sample, mean that the quantity of molecule ... in the first sample is lower than in the second sample by the specified amount. ... In another embodiment, the quantity of molecule ... in the first sample is ... at least 25% lower than ... the quantity of the same molecule ... in a second sample.

Applicants' Specification, pg 17, ln 13-26. Further, other claims are amended in order to maintain proper dependency. These amendments are made not to acquiesce to the Examiner's argument but only to further the Applicants' business interests, better define one embodiment and expedite the prosecution of this application.

¹ These viruses are enabled, for example, in Table 5.

Consequently, the claimed embodiment is enabled and the Applicants respectfully request that the Examiner withdraw the present rejection.

II. Claim 53 Is Not Indefinite

The Examiner rejects Claim 53 on the basis that:

Claim 53 contains the trademark/trade name Captisol.

Office Action, pg 6. The Applicants disagree. Nonetheless, without acquiescing to the Examiner's argument but to further the prosecution, and hereby expressly reserving the right to prosecute the original (or similar) claims, Applicants have amended Claim 53 to recite that the cyclodextrin comprises "sulfobutyl ether beta-cyclodextrin sodium". *See, Applicants' Specification, pg 101, ln 25.* This amendment is made not to acquiesce to the Examiner's argument but only to further the Applicants' business interests, better define one embodiment and expedite the prosecution of this application.

The Applicants respectfully request that the Examiner withdraw this rejection.

III. The Specification Has No Informalities

The Examiner states that:

The disclosure is objected to because ... the drawing description for figure 5A is provided, the description for figure 5B has been omitted.

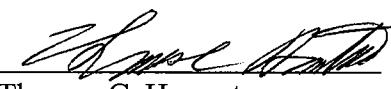
Office Action, pg 3. The Applicants disagree because Figure 5B is completely discussed within the Applicants' specification. Nonetheless, without acquiescing to the Examiner's argument but to further the prosecution, Applicants have amended the Brief Description Of The Drawings to include an explicit description of Figure 5B (*supra*). *See, Applicants' Specification, pg. 96 ln 11-17.* This amendment does not contain new matter.

The Applicants respectfully request that the Examiner withdraw this objection.

CONCLUSION

The Applicants believe that the arguments and claim amendments set forth above traverse the Examiner's rejections and, therefore, request that all grounds for rejection be withdrawn for the reasons set above. Should the Examiner believe that a telephone interview would aid in the prosecution of this application, the Applicants encourage the Examiner to call the undersigned collect at 781-828-9870.

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